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Chairman: Ms. Hallum ..... (New Zealand)

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In the absence of Mr. Mochochoko (Lesotho), Ms. Hallum (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 3.15 p.m.

Agenda item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/54/33, 363 and 383)

1. **The Chairman** drew attention to chapter IV of the report of the Secretary-General on implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions (A/54/383), entitled "Views communicated by Governments regarding the report of the ad hoc expert group meeting on assistance to third States affected by the application of sanctions", and said that the Secretariat had also received comments from Bulgaria, Turkey, and Yemen which would be contained in an addendum to the report that would be issued in due course.

2. **Ms. Lehto** (Chairperson of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization), introducing the Special Committee's report (A/54/33), said that the Special Committee had adopted three recommendations to the Sixth Committee at its session in April 1999. On the question of assistance to third States affected by sanctions, the Committee had recommended, first, that the General Assembly should continue to consider the subject in an appropriate and substantive manner and framework, and second, that the General Assembly should invite the Secretary-General to submit a report on the deliberations and main findings of the ad hoc expert group on that subject and to provide relevant information on other developments, particularly on the work of the Security Council sanctions committees.

3. The third recommendation, concerning practical ways and means of strengthening the International Court of Justice, took the form of a draft resolution which the Special Committee was recommending to the General Assembly for adoption and which was contained in paragraph 122 of the report. In its debates, the Special Committee recognized that the ability of the Court to discharge its mandate in the face of an increasing workload depended on more than working methods, and the hope had been expressed that the competent bodies might give appropriate consideration to the Court's requests for additional budgetary resources.

4. The Special Committee had moved forward with regard to two other items on its agenda. It had completed a first preliminary reading of the working paper entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation", and it had taken a new approach, generally deemed promising to the proposal to establish a dispute prevention and early settlement service which placed more emphasis on existing methods of dispute settlement.

5. Among the other items considered by the Special Committee, a proposal to amend the Statute of the International Court of Justice had been withdrawn. A new proposal to seek an advisory opinion from the Court as to the legal consequences of the resort to the use of force by States without the prior authorization of the Security Council or outside the context of self-defence had been introduced, but the debate on it had been inconclusive. With the aim of enhancing the efficiency and relevance of its work, the Special Committee had decided to review at its next session the procedure for adopting its report, including the possibility of changing the nature of the report.

6. **Ms. Flores Liera** (Mexico), speaking on behalf of the Rio Group, said that the implementation of Charter provisions related to assistance to third States affected by sanctions was an area in which the Special Committee could make a great contribution to strengthening the role of the Organization. Despite efforts to improve transparency in the sanctions committees and to reduce the effects of sanctions on third States, recourse to sanctions was nevertheless frequent, and consideration was not always given to the effects on third States. The Rio Group therefore welcomed the ad hoc expert group meeting that had been held to develop methods for assessing the consequences of sanctions on third States and to explore innovative and practical measures of international assistance to those States. It also welcomed the report of the Secretary-General on that topic (A/54/383) but regretted that delays in translation and publication had not allowed more time for in-depth consideration of the document. The Rio Group felt that sanctions must not only be effective but should also be targeted and, if possible, temporary. The formulation of principles and criteria for the imposition of sanctions would be highly useful and should continue to be part of the Committee's work.

7. The working paper submitted by the Russian Federation and Belarus concerning the maintenance of international peace and security raised issues of vital importance to the Organization. However, the General Assembly currently considered those issues in plenary meeting under the agenda item entitled "Report of the Secretary-General on the work of the Organization", and the Rio Group felt that that was the appropriate forum. The

Group wished to reaffirm its respect for the continued validity of the Charter and its principles.

8. The impact of the increased caseload on the functioning of the International Court of Justice was a source of concern, since excessive delays in proceedings could exacerbate disputes. While encouraging the Court to continue its efforts to reform its methods, the Rio Group would add its voice to the Court's appeal for an increase in resources in the budget for the biennium 2000-2001.

9. The Rio Group appreciated the Secretary-General's efforts to reduce the backlog in the publication of the supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, as described in his report (A/54/363), and was encouraged that updating activities had been specifically budgeted for the next biennium. The Rio Group was particularly concerned about the years of delay in the publication of supplements in languages other than English. As a cost-saving measure, the Group proposed that if further reports were needed on the subject, they should be presented orally.

10. All the specific suggestions for improving the working methods and enhancing the efficiency of the Special Committee that had been made at its latest session deserved serious consideration. Priorities should be set in its agenda, and endless discussion of issues that had been thoroughly considered in the past should be avoided. The possibility of changing the duration of the Special Committee's session merited attention while earlier submission of proposals would facilitate fruitful discussion.

11. **Ms. Korpi** (Finland), speaking on behalf of the European Union, the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, and, in addition, Liechtenstein and Norway, said that those countries continued to take a great interest in mitigating the adverse impact of sanctions on third States, as demonstrated by the economic and humanitarian assistance they had given to such States. She drew attention in that connection to the information submitted by the European Commission to the Secretary-General and included in his report (A/54/383, paras. 64-68).

12. The recommendations contained in the Special Committee's report (A/54/33, para. 33) provided a good basis for further efforts to develop standards and rules aimed at minimizing the humanitarian impact of sanctions on vulnerable groups within the target State as well as their economic impact on third States. Greater use of sanctions that were aimed at specific individuals and entities of the target country could enhance their effectiveness while minimizing their humanitarian and economic impact, including on third States. The two expert seminars on targeted financial sanctions, held at Interlaken, Switzerland, and the symposium on Security Council targeted sanctions, held in New York, had produced ideas and suggestions deserving further consideration. A further seminar on targeted sanctions in the field of arms embargoes and travel bans would be held in Bonn in November.

13. With regard to the other items pertaining to the maintenance of international peace and security (A/54/33, paras. 13-104), the delegations on whose behalf she spoke were concerned at the persistent duplication of work by the Special Committee and other bodies. Caution should also be exercised with regard to the proposed draft resolution containing a request for an advisory opinion from the International Court of Justice (A/54/33, para. 90). The European Union was of the view that it was not useful to refer a generic question to the Court for an advisory opinion, as it was not clear what answer the Court could give, other than that the legal consequences of the use of armed force would depend upon all the circumstances of each case.

14. Turning to the topic of the peaceful settlement of disputes (A/54/33, paras. 105-121), the delegations on whose behalf she spoke shared the concern about the implications of the increasing workload of the Court for the Court's ability to discharge its mandate. The European Union supported the draft resolution on practical ways and means of strengthening the Court (A/54/33, para. 122) and noted with satisfaction that the Advisory Committee on Administrative and Budgetary Questions (ACABQ) had given favourable consideration to the Court's budget requests.

15. As to the proposal to establish a dispute prevention and early settlement service (A/54/33, paras. 105-116), the European Union welcomed the new approach of placing more emphasis on existing methods of dispute prevention. The informal paper circulated by the delegation of the United Kingdom to complement the original Sierra Leone proposal provided a good basis for bringing the item to a successful conclusion.

16. The European Union attached considerable importance to the goal of eliminating the backlog in the publication of the supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and ensuring the timely production of future volumes. In the case of the *Repertory*, the European Union commended the Secretary-General for his efforts to reduce the backlog. Now that *Repertory*-related tasks were

included as distinct activities within the relevant sections of the proposed programme budget, future work on the *Repertory* should be supported with adequate resources. Additional resources should also be identified to bring publication of the *Repertoire* up to date. Clear options were presented in the Secretary-General's report (A/54/383), including the possibility of voluntary contributions and the establishment of a specific training and internship programme.

17. While the Special Committee had made a significant contribution over the years to such areas as the peaceful settlement of disputes and the rationalization of United Nations procedures, that was not a reason to ignore the current need for improvement. The European Union strongly believed that the Special Committee's work should be further streamlined, bearing in mind the need to make the best use of the resources available, and she wished to draw attention to the most salient problems in the Special Committee's working methods.

18. First, the Special Committee's agenda was long and fragmented, with all items, including those on which agreement was not likely to be within reach in the foreseeable future, reappearing each year. It might be worthwhile to reconsider the idea of a cut-off mechanism; in any event, clear priorities should be established as to the order in which new or revised proposals were considered and the time devoted to them.

19. Secondly, consideration of the Special Committee's report was time-consuming, and she questioned whether it was necessary to adopt the report paragraph by paragraph, a procedure conducive to attempts to reopen substantive discussions. The Ad Hoc Committee established by General Assembly resolution 51/210, for instance, adopted only a slender procedural report, with an informal summary of the debates attached as an annex.

20. Lastly, the use of time allocated to the Special Committee had been less than optimal in recent years, resulting in a high number of cancelled meetings. The length of the sessions should be adjusted to the time needed for consideration of the different agenda items. As matters stood, two-week sessions were not justified; a case-by-case approach would seem more appropriate. In view of the heavy schedule of legal meetings in 2000, the next session of the Special Committee should not exceed five working days.

21. **Mr. Kawamura** (Japan) said it followed from Article 25 of the Charter that if sanctions were imposed as the result of a decision by the Security Council, Member States were bound to accept and implement them and to bear the related costs individually. While Article 50 provided that States confronted with special economic problems arising from preventive or enforcement measures taken against other States by the Security Council had the right to consult the Council with regard to a solution of those problems, that right did not amount to a right to obtain relief. However, his Government's position on the legal issue was without prejudice to its belief that it was important from the political point of view to deal effectively with the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions.

22. There was a need for a methodology for assessing the actual consequences suffered by third States as a result of the implementation of preventive or enforcement measures, and innovative and practical ways of providing international assistance to third States affected by the application of sanctions should be explored. His delegation welcomed the outcome of the ad hoc expert group meeting held in June 1998 but felt that the group's recommendations should be discussed carefully before they were implemented. The recommendation that a tentative list of potential effects of sanctions on third States should be drawn up was worth studying, and the prompt submission by the Secretary-General of an advance assessment of sanctions' potential impact on the target country and third States in particular would be very useful. While technical assistance might be provided by the Secretariat to States invoking Article 50 of the Charter, his delegation believed that the recommendations concerning Secretariat monitoring of the effects of sanctions and other related measures needed to be carefully studied from the viewpoint of feasibility and mandate. It was also important to ensure that the measures taken to address the problems of third States affected by the application of sanctions did not hamper the effective application of the sanctions themselves.

23. Turning to the report of the Secretary-General on *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/54/363), he noted that those publications were potentially very useful, not only for delegations but also for the public in general. While welcoming the fact that new supplements were scheduled to be issued in 2000, and commending the efforts undertaken by the Secretariat in that regard, his delegation was concerned at the delays in publication, especially of the *Repertory of Practice of United Nations Organs*. The problem needed to be solved as a matter of urgency, and he urged the Secretariat to seek a practical solution using existing resources. The preparation of the two publications might be rationalized by avoiding the present overlap between them, especially with regard to Articles 23

to 54, 106 and 107 of the Charter, which related to the Security Council.

24. His delegation endorsed the recommendation made by the Special Committee regarding practical ways and means of strengthening the International Court of Justice and expressed its appreciation of the Court's efforts to respond to the double challenge of an increased workload and a shortage of resources. The cooperation of States in that regard was important, and serious consideration should be given to the practical suggestions made by the Court (A/53/326, annex, para. 3).

25. Concerning the Special Committee's working methods, he said that it was necessary first of all to strengthen the Special Committee itself to ensure that it could effectively address questions related to the strengthening of the United Nations. During the previous two years his delegation had strongly advocated a review of the Special Committee's working methods and had made a five-point proposal to that end.

26. First, his delegation believed that more time should be allowed between sessions of the Special Committee and of the Sixth Committee, thereby avoiding duplication of discussions in the two bodies. The next session of the Special Committee should therefore be scheduled later in the first half of 2000. During sessions a considerable amount of time was wasted by starting meetings late; if the time was used profitably, the agenda could be completed within one week. It was particularly important for the Special Committee, whose task it was to strengthen the role of the Organization, to set a good example for other bodies and to start meetings punctually.

27. A measure that would be conducive to intensive discussion within the Special Committee would be to insist on the early submission of documents by sponsor delegations in order to give other delegations time to report back to their capitals and prepare official comments. Rather than identifying new topics for the Special Committee to discuss, it might be more profitable to study possible mechanisms for decision-making on existing topics. He therefore urged sponsor delegations, once a fairly comprehensive exchange of views had been held on their proposals, to ask the Special Committee to decide whether it intended to continue to consider the topic in question, bearing in mind the usefulness of the discussions that had taken place and the likelihood of reaching a definitive result in the future.

28. It might not be easy for some delegations to agree to certain proposals, particularly the one involving reducing the length of the Special Committee's sessions. His delegation therefore requested the Secretariat to provide information on the uneconomical use of conference services by the Special Committee, which appeared to be the worst offender in that regard; such information might induce delegations to consider the matter seriously.

29. Since the possible review of the Special Committee's working methods had been under consideration for two years, it was time to implement those measures that had achieved wide acceptance. He therefore proposed that in 2000 the Special Committee should identify those measures and implement them with effect from the following session.

30. **Mr. Park Hee-kwon** (Republic of Korea) said that the Special Committee had played a vital role in taking up reform-related issues of a legal nature and that its discussions complemented the work of other United Nations bodies, with which, however, it should coordinate more effectively.

31. The implementation of Charter provisions related to assistance to third States affected by sanctions was an issue that required prompt action on behalf of the countries involved, like his own, whose numbers were increasing. Judiciously adopted sanctions should be imposed in such a way as to achieve the desired objective as soon as possible, and their scope and severity should be in proportion to the violation. His delegation concurred with the conclusion of the ad hoc expert group convened pursuant to General Assembly resolution 52/162 that the actual impact of sanctions on individual third States might differ substantially from case to case, and that consequently any common methodology adopted should be applied on a case-by-case basis. The burden would then be on the Secretariat to assess the potential impact of sanctions, monitor their effect, prepare explanatory materials or appoint a special representative whenever sanctions might be applied. The Secretary-General should be invited to present his views on the expert group report in general and on the feasibility of its recommendations in particular, and the report should also be considered carefully by the Special Committee.

32. Further consideration should be given to the Russian working paper concerning the legal basis for United Nations peacekeeping operations (A/54/33, paras. 70 and 71), but without encroaching on the competence of bodies with primary responsibility in the field. The additional legal framework proposed might make peacekeeping operations more orderly and efficient, but the guidelines would have to be flexible enough to accommodate the complexity and specificity of each operation.

33. While the International Court of Justice had responded in various ways to the dual challenge of an increased workload and insufficient resources, it must be provided as

soon as possible with sufficient means to continue the important work entrusted to it by the Charter. The proposal to extend the contentious jurisdiction of the Court to international organizations, put forward by Guatemala but subsequently withdrawn for lack of support, it merited further study, especially in the light of the growing role of international organizations, which should eventually be drawn into the system of judicial settlement.

34. In principle, the Republic of Korea supported the abolishment of the Trusteeship Council, although it noted with interest the Secretary-General's proposal to reconstitute the Council as a forum in which Member States could exercise their collective trusteeship of the global environment and common areas and provide a link to civil society on those issues. That proposal would have to be addressed within the overall framework of United Nations reform, since it entailed amending the Charter. The proposal by Malta to give the Council oversight over the global commons needed further consideration because a number of areas thought of as part of the common heritage of mankind were already regulated by various organizations with their own legal regimes.

35. His delegation believed that the Special Committee's working methods needed improvement. The Special Committee should, for instance, concentrate on a few selected topics and establish priorities in taking up the many proposals before it, which should be submitted well before the beginning of any session. It should also consider, as the European Union and others had proposed, cutting off debate on a particular topic after a fixed period of discussion that had yielded no tangible results.

36. **Ms. Gnecco** (Colombia) said she believed that the Special Committee was in a position to further the legal development of Charter provisions in the context of United Nations reform. It should, moreover, carefully consider the findings of the ad hoc expert group with regard to assistance to third States affected by sanctions and to the measures that body had recommended for minimizing collateral damage from sanctions. The nature of sanctions regimes, which were exceptional measures of last resort taken in the face of a clear threat to international peace and security, should be studied in depth, and adequate attention should be given to their adverse effects on the population of the target country. Her delegation supported in particular the expert group proposal regarding the appointment by the Secretary-General of a special representative to assess the consequences incurred by third countries and to determine appropriate assistance measures.

37. The Special Committee's methods of work should be improved and any overlap with the mandates of other United Nations bodies and duplication of work should be avoided. The preparation of a short-term and medium-term programme of work and the early submission of proposals by delegations would foster smoother and more substantive discussions within the Special Committee. No proposal, however, should be rejected out of hand without some discussion, nor was there any need to shorten the duration of Special Committee sessions.

38. **Mr. Nungka** (Malaysia), commenting on the working paper submitted by the Russian Federation on basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation, said that sanctions were an extreme measure of last resort, to be applied after alternative measures under Article 40 of the Charter had been exhausted, and after the Security Council had carefully defined their scope and time-frame. The negative effects of sanctions on human lives and property should, moreover, be reviewed continuously. Since the Charter had never contemplated open-ended sanctions, Malaysia supported the proposed review of the sanctions regime as a whole and the concept that sanctions should be imposed for a definite period and lifted as soon as the intended objective had been achieved.

39. The Russian working paper properly distinguished between Charter-based sanctions and sanctions imposed unilaterally. The Movement of Non-Aligned Countries had also taken a position, which Malaysia endorsed, condemning the continued unilateral application of coercive measures by certain Powers against certain States with a view to denying them the right to decide their own political, economic or social systems. The Russian working paper further stressed the importance of the humanitarian limits of sanctions. Sanctions should not be used to punish a State but to modify its behaviour so that it no longer posed a threat to international peace and security, nor should they cause unacceptable suffering or the denial of basic economic and social rights of the civilian population of the State concerned.

40. Under Article 50 of the Charter, the Security Council had a responsibility to mitigate the damage caused by sanctions to third States, which often incurred high economic costs as the major economic partners of target States. Yet assistance to third States affected by sanctions had been ad hoc at best, ineffective and inadequate at worst. His delegation supported the idea put forward by the ad hoc expert group of developing a methodology for assessing the consequences incurred by third States as a result of sanctions and exploring possible international assistance measures to

such States. Before imposing sanctions on any State, the Security Council should request an advance assessment of the possible effects of sanctions on both the targeted country and third States, and should refrain from imposing sanctions that caused unnecessary and indiscriminate harm to human life and property beyond the intended target. The Movement of Non-Aligned Countries had on different occasions underscored the importance of assistance to third States affected by sanctions and had proposed the establishment of a trust fund to alleviate their economic difficulties. Malaysia supported that proposal, and also the view that non-financial measures, such as special trade preferences, were needed to alleviate the adverse effects of sanctions on third States.

41. Concerning the legal framework of peacekeeping operations, he noted that the success of any such operation depended on a clear definition of its mandate, command structure and rules of engagement, and on a flexible or renewable time-frame, as the situation required. Peacekeeping operations should be guided strictly by Charter principles like non-interference in the affairs of States and respect for their sovereignty and territorial integrity. Only the Security Council had a legal mandate to deploy peacekeeping operations, under Article 24 of the Charter. Interventions to support humanitarian action within States also required Security Council approval, according to the Charter. Consideration of the proposed draft declaration on the basic principles and criteria for the work of United Nations peacekeeping missions and mechanisms for the prevention and settlement of crises and conflicts fell within the Special Committee's mandate and did not duplicate the work of other United Nations bodies dealing with peacekeeping, with which the Special Committee should improve its coordination.

42. His delegation continued to have reservations regarding any new role for the Trusteeship Council as a guardian of the common heritage of mankind, a concept that was complex and controversial. Malaysia's position was that the Trusteeship Council had accomplished its objectives and that its abolishment was therefore both timely and consistent with the ongoing United Nations reform. The new millennium needed a United Nations that was strong, united, lean and effective and had rid itself of the baggage of the past century.

43. **Mr. Lavrov** (Russian Federation) said that on the threshold of the third millennium humanity once again faced a principled choice between a multipolar system of world order based on the supremacy of international law and the chaos of unilateral approaches. As the sole universal mechanism for ensuring international peace and security, the United Nations had a special role to play. Only through collective effort, on the basis of universality, was it possible to ensure the further development of generally accepted international legal principles which would guarantee the defence of the individual but exclude armed encroachments on sovereign States and arbitrary military measures that circumvented the Charter of the United Nations and the Security Council. To that end it was necessary to elaborate additional criteria for the use of force in accordance with the Charter, including in humanitarian emergencies. A clear interpretation of humanitarian crises must also be developed on the basis of international law.

44. The Russian initiative to have the legal aspects of the use of force in international relations considered at the Millennium Summit was designed to accomplish those tasks. His delegation was prepared to engage in the widest possible dialogue on that issue.

45. The working paper in defence of the key provisions of the Charter (A/54/33, paras. 89-104), submitted to the Special Committee by his delegation and the delegation of Belarus, followed the same trend: it reaffirmed the strictness of the Charter provisions regulating the use of force and stressed the need to strengthen the role of the Organization in the maintenance of international peace and security. Most importantly, the document proposed to involve the International Court of Justice, the highest judicial organ of the United Nations, in resolving the issue of the right of States to use force in circumvention of the Charter. The discussion that had taken place in the Special Committee and the general debate at the current session of the General Assembly confirmed the urgent necessity of considering the draft further, and he urged the Sixth Committee to take the necessary decisions to that end.

46. His delegation viewed the Special Committee's work on sanctions issues as a priority. It noted with satisfaction the article-by-article consideration given to the working paper submitted by the Russian Federation entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation" (A/54/33, paras. 34-69). There was a growing trend among the members of the Special Committee to take a more balanced approach to the mechanism for introducing and implementing sanctions and the need for a comprehensive analysis of their humanitarian impact. It was important not to lose the momentum gained and to continue the discussion of the document at the Special Committee's next session. The approval by all Member States of additional recommendations concerning the use of sanctions would give a significant boost to the work of the Security Council and would enhance the legitimacy of its decisions.

47. It was important to continue the work of the Special Committee on the question of implementation of provisions of the Charter related to assistance to third States affected by the application of sanctions. The methodology proposed in the Secretary-General's report (A/53/312) for assessing the damage to third States resulting from the application of sanctions appeared to be generally acceptable. However, a number of issues required further clarification, namely, the regime that would be applied to States indirectly affected by sanctions, the scale that would be used to determine the volume of assistance to be provided to them, and whether their level of economic development and their mutual relations with the State that was the object of the sanctions would be taken into account. While the international financial institutions might have a role to play in evaluating the economic impact of sanctions, the principal organs of the United Nations, as defined in the Charter, would have a decisive influence over decisions regarding the provision of assistance to third States. His delegation supported the Special Committee's recommendations concerning further consideration of the report of the ad hoc expert group on a methodology for assessing the consequences of sanctions.

48. The well-known Russian initiatives to develop the legal basis of peacekeeping operations were aimed at elaborating recommendations to improve peacekeeping operations. Such operations should be linked to the efforts to achieve a political settlement of conflicts and to the negotiating process, and should take place in accordance with Security Council sanctions and under the Council's control. In view of the multifaceted nature of the topic, the Special Committee should concentrate on its legal aspects at its next session.

49. With regard to the Trusteeship Council, the objective reality was that its functions were frozen and its human and financial resources were being used by other United Nations structures. The idea of assigning any additional tasks to the Council, such as protecting the "global commons" or the "common heritage of mankind", appeared controversial and somewhat artificial. Any attempt to change the mandate of the Trusteeship Council would inevitably entail a review of the Charter and should therefore be approached with extreme caution.

50. His delegation generally supported the draft resolution recommended by the Special Committee to ensure that the International Court of Justice was provided with the financial resources to adequately carry out its functions (A/54/33, para. 122). That timely measure would not only enable the Court to maintain its pace of activity but would also promote its efforts to protect the basic principles and norms of international law.

51. His delegation supported the Secretary-General's efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. The proposals to establish a voluntary trust fund and to organize a specific training programme for young professionals should be studied thoroughly, including from the standpoint of their financial implications.

52. The past year had generally confirmed that the Special Committee's mandate enabled it to play a significant role in the consideration of various legal aspects of the Organization's work. His delegation was in favour of maintaining the work of the Special Committee in its current format. It shared the view of many delegations that it was pointless to establish working groups within other United Nations bodies on issues that fell within the Special Committee's mandate. That in no way precluded but rather presupposed the maintenance of close contact between the Special Committee and other United Nations bodies, including through joint meetings and exchanges of information.

53. **Mr. Lavalle-Valdes** (Guatemala) said that the proposal submitted by his delegation to amend the Statute of the International Court of Justice to extend its competence to disputes between States and intergovernmental organizations was supported by a considerable body of legal opinion. In 1971, when the Secretary-General had consulted States on how to enhance the efficiency of the Court, 18 States had been in favour of extending the Court's jurisdiction along those lines. Since then, many authors of articles in international law reviews had considered the idea feasible and useful. The Court itself had suggested in 1990 such an extension of its jurisdiction, and in 1995 the President of the Court had spoken in favour of the idea before the General Assembly.

54. At the most recent session of the Special Committee his delegation had withdrawn its proposal because of a lack of interest. It appeared that opposition had been based not on technical considerations, but on a lack of political will. Yet it was possible that opinion could shift again in the future. In the meantime, having the proposal and debate on the record might encourage scholars to pursue the topic.

55. In its nearly 24 years of existence, the Special Committee had done much useful work. One of its accomplishments had been to bring the question of assistance to third States affected by sanctions to the attention of the General Assembly. But perhaps the process of ensuring equitable implementation of Article 50 of the Charter of the United Nations was so firmly under way that

it no longer required impetus from the Special Committee. In any case, the Special Committee's influence was somewhat weakened by the regrettable fact that, owing to scheduling, the relevant reports of the Secretary-General were taken up by the General Assembly before they could be considered by the Special Committee. Most of the other proposals before the Special Committee appeared to be at a standstill, and his delegation feared that unless new and more promising proposals were submitted, most of the Special Committee's work would be unproductive, at least in the short term.

56. With regard to the working methods of the Special Committee, he said that since it was the Special Committee's role to make recommendations to the General Assembly, all proposals submitted to it should take the form of a General Assembly declaration, resolution or decision. Any proposal related to a resolution already adopted by the General Assembly should clearly indicate the resolution to which it referred. In addition, it was extremely important to avoid duplication.

57. As to the proposal concerning basic conditions and criteria for the introduction of sanctions, two points needed clarification. Many delegations had observed that before sanctions could be imposed, all means of peaceful settlement of disputes must first be exhausted. However, Chapter VII of the Charter did not deal with dispute settlement, but with actions to be taken in the face of threats to the peace, breaches of the peace and acts of aggression. Another widely expressed idea was that there should a time limit, fixed *ab initio*, to any sanctions imposed. Yet since the purpose of sanctions was to change the behaviour of the State against which they were being imposed, it would seem clear that sanctions must remain in place until their goal had been achieved, even if modifications were made for humanitarian reasons.

58. His delegation was glad to see that a final decision was near on the Sierra Leone proposal for the establishment of a dispute prevention and early settlement service, and it would be pleased to lend its support. With regard to the proposals concerning the Trusteeship Council, the proponents should indicate what amendments would be necessary to the Charter in order to implement their proposals; if they did not feel that amendments would be necessary, they should indicate the means by which they proposed to achieve their purposes. His delegation was pleased to see that letters concerning additional funding for the International Court of Justice, referred to in paragraph 118 of the Special Committee's report, had been sent. His delegation also supported the resolution contained in paragraph 122 of the report and would be proposing additional language to strengthen it.

59. **Mr. Gomaa** (Egypt) said that his delegation had always insisted that the sanctions permitted by the Charter of the United Nations should only be imposed on an exceptional basis in the cases envisaged in Chapter VII of the Charter, and after exhaustion of all means of peaceful resolution set forth in Chapter VI. In addition, sanctions should be applied in accordance with clear and objective criteria, and for a limited period, so that they would not be used by the Council for political purposes. Similarly, the political views of individual Council members, particularly the permanent members, should not prevail over those of the Council and of the United Nations as a whole.

60. His delegation had observed the collateral damage that had been caused by sanctions imposed pursuant to Chapter VII, both to the people of the State that was the target of the sanctions, as in the case of Iraq and the Libyan Arab Jamahiriya and to third States with interests linked to those of the State against which sanctions had been imposed. Unfortunately, the sanctions imposed on certain States under Chapter VII of the Charter had caused severe damage to third States and their people, including his own country.

61. The Charter was not intended to harm the interests of third States, and it provided a mechanism, so far unused by the Council, whereby the Council could consult the States concerned and ascertain their views before deciding to impose sanctions. His delegation therefore welcomed the Secretary-General's report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions (A/54/383). In that connection, his delegation again called on the Council to consider permanent arrangements for holding consultations under Article 50 of the Charter with third States that were likely to face special economic problems as a result of the implementation of preventive or enforcement measures imposed by the Council, with a view to solving those problems and finding ways and means of enhancing the effectiveness of its action and defining the measures to be applied in considering requests for assistance from adversely affected States.

62. His delegation also welcomed the statement by the President of the Security Council (S/1999/92) to the effect that all members of the Council had agreed to use the practical proposals set forth in that document to enhance the work of the sanctions committees. All the main organs of the United Nations and the Committee for Programme and Coordination (CPC) had a role to play in finding a solution to the economic problems suffered by third States, and he

called on the organizations of the United Nations system, the international financial institutions and other international and regional organizations, as well as on the Member States, to join in the efforts to ensure the equitable sharing of a burden that was currently borne by third States alone. His delegation welcomed the efforts being made to ease the sufferings of the peoples of target and third States through the use of targeted sanctions.

63. With reference to Article 53 of the Charter, his delegation wished to raise the question of the legitimacy of enforcement action taken by regional arrangements or agencies without reference to the Security Council. Article 53 first specified that the Council could utilize such arrangements or agencies to take such measures under its authority. Thus, the proposal submitted by the Russian Federation and Belarus to seek an advisory opinion from the International Court of Justice on the legal issues connected with the right of a State or group of States to resort to force outside the framework of legitimate self-defence would have the effect of confirming the inviolability of the Charter and the necessity of relying on it to prevent or mitigate disputes, and would consequently strengthen the role of the Organization.

64. His delegation welcomed the progress made in the publication of supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*. It was, however, a matter of regret that, in spite of the increase in the work of the Council in recent years, there had been no corresponding increase in the number of staff responsible for preparing the *Repertoire* and that their number had in fact declined. His delegation supported the Secretary-General's efforts to make up for the backlog and called on States to provide financial and other assistance to enable the Secretariat to complete its work. Lastly, while his delegation noted the efforts made by the Secretary-General to ensure the publication of the *Repertory* and the *Repertoire* in English, French and Spanish, it regretted that no mention was made of the other official language versions and drew attention to the need to use all the official languages of the Organization equally.

The meeting rose at 5.15 p.m.